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Attorneys for Defendant
IONpath, Inc.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

FLUIDIGM CORPORATION, A DELAWARE
CORPORATION; AND FLUIDIGM CANADA
INC., A FOREIGN CORPORATION,

Plaintiffs,

v.

IONPATH, INC., A DELAWARE
CORPORATION,

Defendant.

Case No. 3:19-cv-05639-WHA

**[PROPOSED] ORDER COMPELLING
FLUIDIGM TO PROVIDE A
SUPPLEMENTAL RESPONSE TO
IONPATH'S INTERROGATORY NO. 8
REGARDING EMBODYING
PRODUCTS**

1 For the reasons stated at the June 18, 2020 discovery dispute teleconference, the Court hereby
2 ORDERS Plaintiffs Fluidigm Corporation and Fluidigm Canada Inc. ("Fluidigm") to supplement their
3 response to Defendant IONpath, Inc.'s ("IONpath") Interrogatory 8 to include limitation-by-limitation
4 claim charts with Fluidigm's contentions as to how each version of Fluidigm's products are asserted
5 to practice or embody each asserted claim of each patent-in-suit. Any version of any Fluidigm product
6 not described in a limitation-by-limitation chart may not be relied upon in this litigation. Plaintiffs
7 shall provide their amended response to IONpath's Interrogatory 8 on or before July 9, 2020.

8 The Court awards to Defendant IONpath its reasonable expenses incurred in making the
9 motion, including attorneys' fees. IONpath shall provide to Fluidigm an accounting of such
10 reasonable expenses, including attorneys' fees. The parties shall meet and confer in an attempt to
11 reach agreement on the amount of reasonable expenses, including attorneys' fees to be awarded and
12 shall submit a joint statement for an entry of reasonable expenses, including attorneys' fees once
13 agreement is reached or setting forth each side's position if agreement cannot be reached. The parties
14 shall provide their joint statement on or before July 23, 2020.

15
16 **IT IS SO ORDERED.**

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18 Dated: _____

19 _____
20 Honorable William H. Alsup
21 United States District Judge
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